



Flathead County

Planning & Zoning

40 11th Street West, Suite 220 Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210

OCT 20 2016

CONDITIONAL USE PERMIT APPLICATION¹

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 760.00

PROPOSED USE *(as described in the Flathead County Zoning Regulations):*

Expansion of legal, non-conforming use to allow the applicant to engage in activities related to providing portable toilets to its customers, including storing them on the subject property.

OWNER(S) OF RECORD:

Name: Constance G. Cohen Phone: 406-862-2476
Mailing Address: P. O. Box 1657
City, State, Zip Code: Whitefish, MT 59937
Email: _____

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: Montana Waste Systems, Inc. dba North Valley Refuse & dba North Valley Portables Phone: 800-257-6947
Mailing Address: P. O. Box 2582
City, State, Zip Code: Great Falls, MT 59403
Email: rogerb@montanawastesystems.com

LEGAL DESCRIPTION OF PROPERTY *(Refer to Property Records):*

Street
Address: 5445 Highway 93 South, Whitefish S 13 T 30N R 22W
Subdivision
Name: _____ Tract No(s). 3F Lot No(s). _____ Block No. _____

1. **Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):**

AG-20

2. **Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:**

A. Site Suitability.

The site is suitable for the use. This includes:

- (1) adequate usable space

See attached narrative.

- (2) adequate access

See attached narrative.

- (3) absence of environmental constraints

See attached narrative.

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme

See attached narrative.

- (2) traffic circulation

See attached narrative.

- (3) open space

See attached narrative.

- (4) fencing, screening

See attached narrative.

- (5) landscaping

See attached narrative.

- (6) signage

See attached narrative.

- (7) lighting

See attached narrative.

C. Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (1) sewer

See attached narrative.

- (2) water

See attached narrative.

- (3) storm water drainage

See attached narrative.

- (4) fire protection

See attached narrative.

- (5) police protection

See attached narrative.

(6) streets

See attached narrative.

D. Immediate Neighborhood Impact

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

(1) excessive traffic generation

See attached narrative.

(2) noise or vibration

See attached narrative.

(3) dust, glare or heat

See attached narrative.

(4) smoke, fumes, gas, or odors

See attached narrative.

(5) inappropriate hours of operation

See attached narrative.

3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" as outlined in Chapter 4 the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts

- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses

Consultation with Planner:

Date _____ Planner's Signature _____

INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. An 'Adjoining Property Owners List' request form must be submitted with the application, with a separate fee (*see forms below*). The list will be sent directly to the Planning & Zoning office. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
 - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Constance J. Cohen
Owner(s) Signature (all owners must sign)

10/18/16
Date

Ken Kabing, Attorney
Applicant Signature (if different than above)

10-20-16
Date

and Representative for
Montana Waste Systems, Inc.

OCT 20 2016

CONDITIONAL USE PERMIT APPLICATION NARRATIVE

October 20, 2016

Montana Waste Systems, Inc. dba North Valley Refuse dba North Valley Portables is seeking a conditional use permit (CUP) for its activities related to providing portable toilets to its customers, which includes but is not limited to storing them on the subject property. Activities related to portable toilets have occurred on the subject property for approximately 16 years, but the Flathead County Planning & Zoning Office informed the applicant in 2016 that a CUP would be required to bring the activity into compliance with the County's zoning regulations. Planning and Zoning has expressed that operations related to portable toilets is an expansion of the other legal, nonconforming use activities occurring on the subject property.

The subject property has been used for a waste management business and operations for approximately 35 years. Beginning in the early 1980s, North Valley Refuse Trash Company engaged in all matters related to assisting its customers with disposal of various forms of waste, including but not limited to waste pick up and hauling and recycling pick up, drop off and processing. Prior to November 15, 1993, the property was unzoned; since that date it has been zoned AG-20.

In 2000, Montana Waste Systems, Inc. purchased North Valley Refuse Trash Company from Constance Cohen and continued to do business as North Valley Refuse (NVR). Montana Waste Systems, Inc. currently leases the subject property from Constance Cohen. At about the same time it started providing portable toilets. This was a natural fit with their waste management operations because they had always been in the business of servicing construction job sites, event sites, public gathering places, flood clean-up sites, and other customers and businesses, who also had a need for portable toilets to manage human waste. In April of 2015, NVR increased their inventory of portable toilets by purchasing another company in that business. When not in use by customers, the portable toilets are stored outdoors at NVR's location along with the other types of portable waste containers NVR provides. Typically, the substantial majority of the portable toilets in NVR's inventory are located at customer sites.

NVR provides its customers with a wide variety of portable waste and storage containers to keep at the customers' locations, including dumpsters, roll-off containers, and garbage containers, samples of which are shown in Exhibits 1 through 5 attached hereto. The dimensions of some of these the portable waste containers are as follows:

- Dumpsters (largest) 72" wide x 80" long x 86" tall
- Dumpsters (smallest): 72" wide x 34" long x 45" tall
- Roll-off containers (largest): 8' wide x 22' long x 7' tall
- Roll-off containers (smallest): 8' wide x 18' long x 4' tall
- Garbage containers (largest): 300 gallons
- Garbage containers (smallest): 64 gallon

The dimensions of the portable toilets that are the subject of this CUP application are as follows:

- Standard: 4' x 4' x 7' tall
- Handicap: 5' x 5' x 7' tall
- Enclosed Trailers (men & women stalls): 8' wide x 16' long x 9.5' tall

In response to a complaint filed by the neighbor to the south of NVR in March of 2016, the Flathead County Planning and Zoning Office visited the subject property and in the course of its review acknowledged that NVR's activities were legal, non-conforming uses, except for the activity associated with the portable toilets. Planning and Zoning has indicated to the applicant that the portable toilet aspect of the business could become permitted as an expansion of an existing nonconforming use following the conditional use permitting process. The applicant has agreed to apply for such a conditional use permit, but in doing so, does not waive any legal rights, interests, or claims that it is otherwise allowed to continue its portable toilet activities absent a conditional use permit.

The following CUP criteria are addressed in the order they are presented on the County's CUP application form.

A. Site Suitability

The site is suitable for the use. This includes:

(1) Adequate useable space

The subject property is just under 5 acres in size. It is rectangular in shape running west to east. Most of the improvements are on the west side of the property, near U.S. Highway 93. This portion of the property is level with the highway and contains two entrances off it, a paved parking lot, shop, and another shop/office building. A site plan is attached hereto as Exhibit 6 showing these and other features. Garbage trucks and other vehicles are parked in the parking lot and in the two shop buildings.

The property slopes down as it moves away from Highway 93 and is fairly level on the east half of it. See Exhibit 7. A mobile home is located on the slope of the property a short distance from one of the shops. There are no structures on the subject property to the east of the mobile home.

Most of the property is open space. Lot coverage is slightly less than 13% as measured by F & H Land Surveying. No new buildings or structures are proposed with this application, so there will be no increase in lot coverage.

The portable toilets, and most of the other portable waste containers, are stored on the lower part of the subject property toward the east end. See Exhibit 7.

The onsite driveway that is used to access the portable toilets is used by the two adjacent properties to the north and east. No new road or other improvements need to be constructed to accommodate the presence of portable toilets.

(2) Adequate access

The subject property has direct access off Highway 93 via two private road approaches, one of which is located partially on the subject property and partially on the neighboring property to the north. The private road approaches are for ingress and egress to, from, and between Highway 93 and the subject property. The accesses off Highway 93 have been used in conjunction with the portable toilet operations for sixteen years and waste management even longer. The gravel drive shown on the site plan varies in width from approximately 20' to 30' and is used by the applicant and the neighboring properties to the north and east. This gravel drive is the primary means of moving the portable toilets to and from the subject property. The highway accesses and the gravel drive are adequate for the requested use.

(3) Absence of environmental constraints

There are no wetlands, streams, or creeks located on the property. There are no steep slopes on the property. The property is outside the 500-year floodplain. The portable toilets are clean, dry, and do not contain any liquid, waste or chemicals when stored on the property.

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

(1) Parking scheme

The subject property is slightly less than 5 acres and has many places where parking would be suitable, but parking is typically in the parking area as shown on the site plan, which is adequate for NVR's needs. The applicant already owns vehicles used to transport the portable toilets to and from customer sites, so no additional space for parking is anticipated with approval of the CUP request.

(2) Traffic circulation

Access to the subject property is via two approaches off Highway 93. The southern approach leads directly into the parking area and the northern approach continues as a roughly 20'-30' wide paved and gravel road that is used by the applicant and the adjacent properties to the north and east. See Exhibit 8. May Lawn and Home Care, a lawn service and landscaping business, is located on the adjacent property to the north, which also contains a single-family residence which the applicant believes is occupied by the owners of the adjacent property. The adjacent property to the east appears to be used primarily for single-family residential purposes, containing what is believed to be a garage with second-story living quarters.

The portable toilets are stored toward the eastern end of the property and are delivered to and from the subject property via the gravel drive shown on the site plan. The other portable waste containers, including dumpsters and roll off containers, are primarily stored in this same area and transported over this same drive. See Exhibit 8. Approval of the CUP request to allow portable toilet storage will not result in any change to internal or external traffic circulation, except for additional vehicle trips as portable toilets are delivered to and from customer sites. An estimated maximum of forty daily vehicular trips are associated with the transport of the portable toilets to and from the subject property, which primarily occurs during the months of April through September.

U.S. Highway 93 is a four-lane divided highway and is flat and straight as it passes in front of the subject property. See Exhibit 9. Visibility of vehicles both entering and exiting the subject property is good. Garbage trucks and other vehicles of NVR are in use every day, Monday through Friday.

Customers renting portable toilets generally do not travel to and from the subject property. To the applicant's knowledge the nature of the adjacent landscaping business only generates traffic from employees and contractors, not members of the general public.

(3) Open Space

The subject property is slightly less than 5 acres. The buildings and parking area are concentrated on the west end of the property near Highway 93. The eastern end of the property is open and unimproved and is the primary area where dumpsters, roll-off containers, and portable toilets are stored. Large areas of open space remain even with portable toilets stored on the property. See Exhibit 7.

(4) Fencing, screening

Tall evergreen trees on the west edge of the property running along Highway 93 partially shield the subject property. The portable toilets and other containers are shielded from view by north-bound traffic on Highway 93 by heavily forested properties to the south of the subject property, a berm on the adjacent property to the south along Highway 93, and by the shop buildings on the subject property. South-bound traffic on Highway 93 can observe the portable toilets if passengers are looking east; however, visibility of the portable toilets is limited because the east end of the property where they are stored is several hundred feet away from Highway 93 and is at an appreciably lower elevation than Highway 93, they are shielded in part by the other large portable waste containers on the subject property, and traffic has only a second or two to view the site traveling at speeds of roughly 65 mph. See Exhibit 9. See also Exhibit 10, which shows a view from the east end of the subject property back up the hill toward the highway.

The portable toilets and other waste containers are visible from the three adjacent properties. The neighbor to the south of NVR, Jack and Shirley Silliker (Silliker Revocable Family Trust), filed a complaint with the Flathead County Planning and Zoning Office in March of 2016 expressing concerns about the visibility of the portable toilets. Other concerns were also raised

but were related to the other allowed activities on the property. A copy of the complaint is attached as Exhibit 11. At that time the portable toilets were stored behind the shop/office building on the higher-elevated portion of the property. The Sillikers complained that the portable toilets interfered with their view of Big Mountain. NVR has communicated and worked with the Sillikers to address their concerns, which efforts were memorialized in an agreement between NVR and the Sillikers, a copy of which is attached hereto as Exhibit 12. NVR and the Sillikers agreed that it would be acceptable to store the portable toilets on the lower eastern end of the subject property, which is where they are now located. NVR has not received any complaints from its other neighbors about the presence of portable toilets.

Wire fencing is present along the north, south, and part of the east sides of the property as indicated on the site plan. Much or all of this is on the adjacent properties and does not provide any visual barrier.

Some visual barrier between the subject property and the property to the east is provided by structures and other personal property stored along the boundary shared with the subject property and from several mature evergreen trees on the property to the east.

A large hill or berm on the lower portion of the adjacent property to the north blocks the view from the single-family residence located thereon of the portion of the subject property where most of the portable toilets are stored. See Exhibits 8 and 13.

The visibility of the portable toilets is further mitigated because they are stored around and amongst the other large waste containers stored on the subject property. See Exhibits 2, 7, 10 and 14. Because various types of large portable waste containers have been stored on the subject property for decades, with no complaint except for the recent one from the Sillikers, which has been addressed, no additional fencing or screening is proposed.

(5) Landscaping

There are a number of tall evergreen trees along Highway 93. Several tall deciduous trees are located to the east of the primary shop building. There are a few other evergreen trees and shrubs scattered around the property. See Exhibit 10. Little other landscaping exists on the subject property and none is proposed.

(6) Signage

No signage exists concerning the portable toilet operations.

(7) Lighting

Exterior lighting exists near the structures on the property. No new lighting is proposed or needed due to the presence of the portable toilets.

C. Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

(1) Sewer

Two septic systems have been permitted and installed on the subject property. No waste from the portable toilets will be dumped into these septic systems. NVR employs three more individuals because of the portable toilet service. They have little impact on the existing septic systems because they spend nearly all of their working hours away from the subject property. The presence of portable toilets on the property will not appreciably impact the existing septic systems.

(2) Water

A 60-foot well for domestic and commercial use is located on the subject property where indicated on the site plan. Water right 76LJ 30021234 permits up to 35 gallons per minute and up to 10 acre-feet. A water hose is used to wash dust off the outside of the portable toilets before they are delivered to customers.

(3) Storm water drainage

The site plan indicates where water drainage occurs in the paved parking area. Very little of the subject property is covered with impervious surface and all storm water drainage is directly into the ground. No new storm water drainage is necessary due to the presence of the portable toilets, which are clean and contain no liquids or chemicals when stored on the property.

(4) Fire protection

Fire protection is provided by Whitefish Fire Department. The area where the portable toilets will be stored is easily accessible via the gravel drive shown on the site plan. The presence of the portable toilets does not subject the property to any greater fire risk than currently exists from the other activities on the property.

(5) Police Protection

Law enforcement is provided by the Flathead County Sheriff's Department. The subject property is adjacent to Highway 93, a four-lane highway, which provides excellent access for law enforcement vehicles. The storage of the portable toilets, in and of themselves, will not increase demand on law enforcement.

(6) Streets

The subject property is adjacent to and accessed via U.S. Highway 93, a four-lane divided highway. The area where the portable toilets will be stored is accessible via the gravel drive

shown on the site plan. The presence of portable toilets on the property will not cause any change in external or internal road systems.

D. Immediate Neighborhood Impact

The proposed use will not be detrimental to surrounding neighborhoods in general.

NVR has been operating from this location for approximately 35 years. The subject property is in the Highway 93 corridor less than two miles south of the intersection with Montana Highway 40. A number of businesses are located in close proximity to the subject property along the Highway 93 corridor as shown on Exhibit 15. There is some large tract single-family residential use in the neighborhood as well.

May Lawn and Home Care is adjacent to the north of the subject property and contains commercial buildings, various landscaping materials stored outdoors, and a single-family residence. Several vehicles travel to and from May Lawn and Home Care on work days.

The adjacent property to the south is owned by the Sillikers and contains a single-family residence, barn, and is used for agricultural activities. The adjacent property to the east is a single family residence with vehicles and other items of personal property and equipment stored outdoors.

Typical negative impacts which extend beyond the proposed site include:

(1) Excessive traffic generation

Daily traffic counts along Highway 93 in this area, according to the MT Department of Transportation, range from 16,450 to 26,060. An estimated maximum of forty daily vehicular trips are associated with the transport of the portable toilets to and from the subject property, which primarily occurs during the months of April through September. Because the applicant has already been engaging in the business of providing and storing portable toilets, any traffic impact from the use is already realized within the neighborhood and is not causing any issues.

(2) Noise or vibration

The only noise associated with the portable toilets is from vehicles hauling them to and from the property and from spraying the outside of the portable toilets with water to wash dust off before they are delivered to a customer. The noise level of these activities is consistent with or less than any noise from vehicles travelling on Highway 93 and noise from the other, allowed uses on the subject property. The density of land uses in the area is very low due to the large acreages of the parcels in the area, which further mitigates the effects from any slight increase in noise due to the hauling of the portable toilets.

The Sillikers raised concerns in their complaint filed with Planning and Zoning in March of 2016 about noise from garbage trucks being started between 4:45 and 7:00 a.m., and of banging and other sounds during those hours. These noises would have been related to the other allowed uses

on the subject property. NVR's hours of operation are from 5:00 a.m. to 5:00 p.m., Monday through Friday, but one or two garbage trucks may be started as early as 4:45 a.m.. As part of its agreement with the Sillikers, NVR agreed not to dump any container in their yard before 8:00 a.m. in an effort to address some of their concerns about noise. Other noise they Sillikers heard during early hours was from the property being used as a recycling drop-off site, which drop-off activities ceased in 2015.

No vibration is caused from the portable toilet business.

(3) Dust, glare or heat

The vehicles hauling the portable toilets to and from the subject property are using the paved/gravel drive shown on the site plan. An estimated maximum of forty daily vehicular trips are associated with the transport of the portable toilets to and from the subject property, which primarily occurs during the months of April through September. The landscaping business on the adjacent parcel to the north generates dozens of daily trips on the driveway. The density of land uses in the area is very low due to the large acreages of the parcels in the area, which mitigates any slight increase in dust due to the proposed activity. The applicant believes that any dust generated from activities related to portable toilets would be no more than dust generated from the landscaping business activities and agricultural activities on the properties to the north and south of it. No heat or glare is generated from the proposed activity.

(4) Smoke, fumes, gas, or odors

No smoke, fumes, gas, or odors are generated from the presence of portable toilets other than vehicle exhaust fumes from the trucks hauling the toilets to and from the subject property, which is insignificant. All waste from the portable toilets is disposed of off-site and they are cleaned before they are stored on the subject property. No odor or fumes are detected even when standing next to the portable toilets.

(5) Inappropriate hours of operation

NVR's hours of operation are from 5:00 a.m. to 5:00 p.m., Monday through Friday, which hours would still exist even if the portable toilet activity was not on the subject property. Any activity associated with the portable toilets occurs during these same hours. As part of its agreement with the Sillikers, NVR agreed not to dump any container in their yard before 8:00 a.m. in an effort to address some of their concerns about noise.

(6) Other

The complaint filed by the Sillikers with Planning and Zoning in March of 2016 raised concerns about miscellaneous refuse blowing into the Silliker's alfalfa field. To the degree any such refuse is generated from NVR's activities it would not be due to the presence of portable toilets, which is the subject of this application. In an effort to address the Sillikers' concerns about blowing refuse, NVR addressed in its agreement with the Sillikers its commitment to maintain a

clean and respectable work environment and to clean any debris resulting from their business activities.



100 COOPERATIVE WAY, SUITE 202
KALISPELL, MT 59901

PHONE: 406-257-6001

FAX: 406-257-6082

WEBSITE: WWW.KALVIGLAW.COM

October 20, 2016

Via Hand Delivery

Flathead County Planning & Zoning
40 11th Street West, Suite 220
Kalispell, MT 59901

Our Client: North Valley Refuse
Matter: Conditional Use Permit Application

Dear Mr. Mussman:

The following documents are enclosed:

1. Conditional Use Permit Application;
2. Kalvig Law Firm Check #8765 payable to Flathead County Planning and Zoning in the amount of \$760.00;
3. Kalvig Law Firm Check #8766 payable to Flathead County GIS in the amount of \$75.00; and
4. CD containing an electronic copy of the CUP Application and Exhibits.

Thank you.

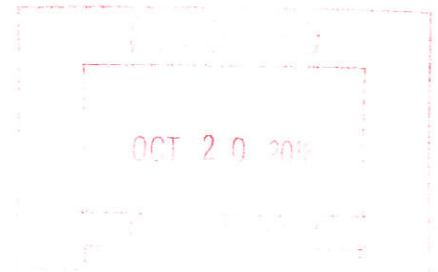
Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa K. Pooler", is written over a faint, circular blue stamp.

Lisa K. Pooler

Paralegal

lisa@kalviglaw.com





EXHIBIT

1

OCT 20 2016

tabbles



OCT 20 2007



OCT 20 2007

EXHIBIT

3

tabbles®



OCT 20 2011



OCT 20 2023



EXHIBIT

7

OCT 20 2013

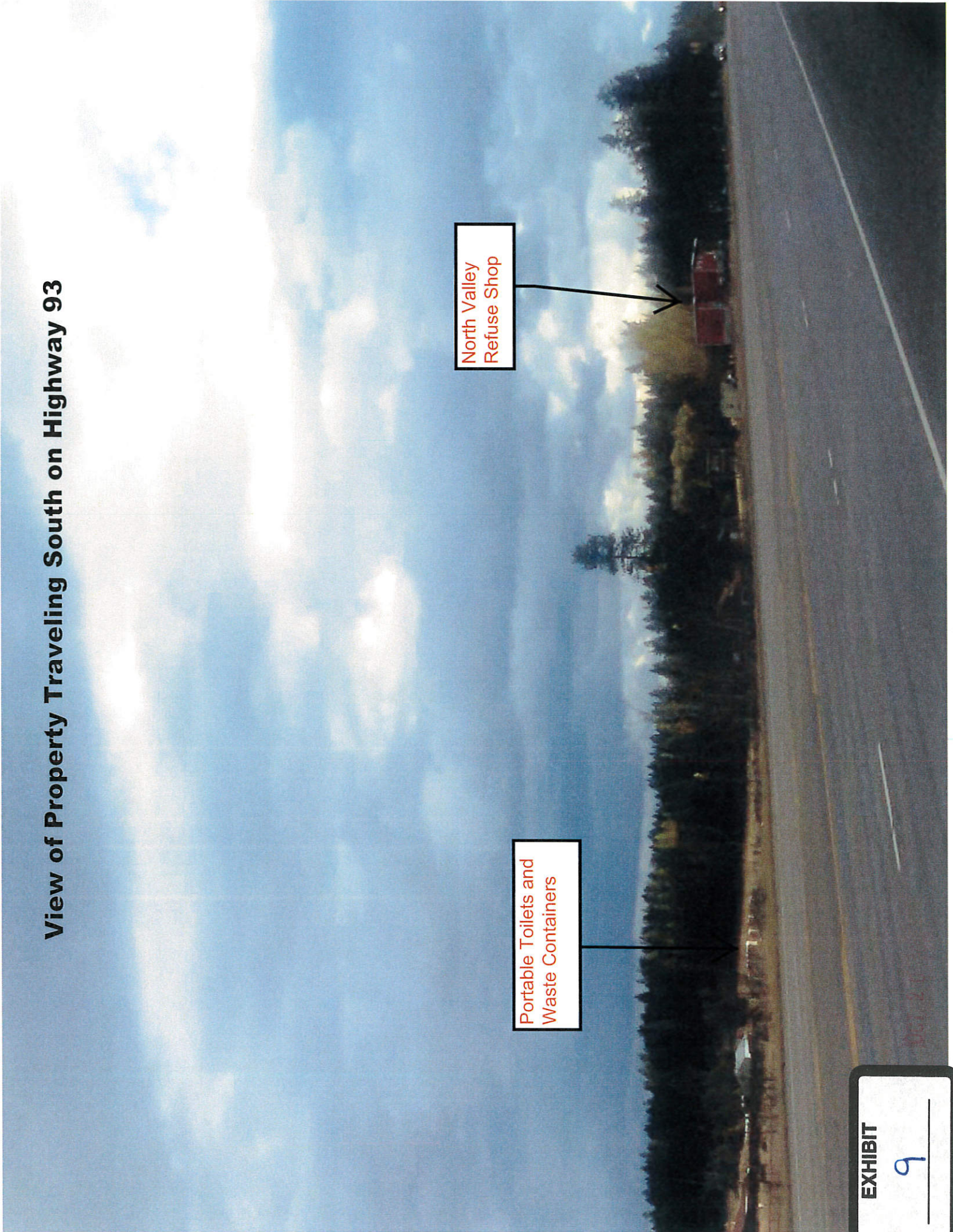
Berm

May House

Shared Driveway



View of Property Traveling South on Highway 93



Portable Toilets and
Waste Containers

North Valley
Refuse Shop



CT 20 2007



Submitted: ☐ In person ☒ U.S. Mail ☐ Email ☐ Fax

Flathead County

Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210

VIOLATION COMPLAINT FORM

☒ Community Decay ☒ Zoning ☐ Floodplain ☐ Subdivision ☐ Lakeshore

NAME(S) OF ALLEGED VIOLATOR(S)/LANDOWNER(S):

North Valley Refuse - Corinne Cohen, Owner

PHYSICAL ADDRESS OF ALLEGED VIOLATION:

5445 Hwy 93 So
Whitefish, MT 59937

ALLEGED VIOLATION LEGAL DESCRIPTION:

Assessor #: _____ Geocode: _____ COS# _____

Lot/Tract/Block # _____ S _____ T _____ R _____

DETAILED DESCRIPTION OF ALLEGED VIOLATION*:

We have been at this location since 1969 and year by year have seen our property devalued because of this business. They start their trucks at 4:45 - 7:00 AM M-F. There is much banging and annoying disturbances during this time. They have expanded this business and now have fences of our houses lined up along the fence line.

* ADDITIONAL INFORMATION MAY BE INCLUDED ON A SEPARATE SHEET OF PAPER AND ATTACHED TO THIS FORM. INCLUDE PHOTOS, VIDEO, OR OTHER EVIDENCE YOU MAY HAVE.

REPORTING SOURCE NAME:

REPORTING SOURCE ADDRESS:

REPORTING SOURCE PHONE NUMBER:

REPORTING SOURCE SIGNATURE:

DATE:

Jack and Shelly Silliker
5405 Hwy 93 So.
Whitefish, MT 59937

406-862-3604

Jack Silliker / Shelly Silliker
3/17/2016

*Be advised that by signing this form you will be held accountable to participate in any litigation brought forth by the County Attorney as a result of the submittal of this form. You may be called upon to recall the violations that were witnessed firsthand. If you do not sign the form then no legal action will be pursued and the complaint will not be looked into any further.

EXHIBIT

tabbles

11

OCT 20 2016

between us and other neighbors adjoining them. There is constant garbage (mainly paper, plastic etc) blowing onto our alfalfa field. They also have large garbage containers stacked on beside the toilet. Also they have unused dump trucks setting around the premises. Our view of Big Mtn. has been totally ruined. We are requesting please that they put up a minimum 10' fence of any stable material they need to hold the fence in 4' from the present fence line as our boundary line takes in 4' more feet all the down to a N.E. property stat on the corner of Kendall Skegbaugh's property. Thank you for your attention to this decaying problem.

P.S. They don't live on the property so at night they can get away from this nightmare, we can't.


Attention: George M. Ferris, Planning and Zoning Office

MUTUAL NEIGHBOR AGREEMENT

This agreement is to provide agreeable relief to the SILLIKER REVOCABLE FAMILY TRUST
located at 5405 US HIGHWAY 93 S, Whitefish, MT 59937

1. North Valley Refuse, 5445 Highway 93, Whitefish, MT 59937 do hereby agree to reasonable placement of the portable toilets as not to restrict Silliker's view of "Big Mountain" as of the date of this agreement. One way this can be accomplished is by moving them down the hill and away from the fence line.
2. North Valley Refuse, has moved all recycling in an effort to minimize the noise, traffic and congestion to the immediate neighborhood.
3. North Valley Refuse has always made a strong attempt to keep and will continue to maintain a clean and respectable work environment.
4. North Valley Refuse will not dump any container in our yard before 8 o'clock am.
5. North Valley Refuse continues to clean and remove any debris resulting from our business activities including debris drifting to our neighbor's properties. This includes removing and properly disposing of the debris, garbage, plastic, etc.
6. North Valley Refuse can be contacted and will make reasonable accommodations to meet the neighbor's concerns about portable toilets, containers.
7. In the efforts of being a good neighbor if you need to contact us, please call Tom Gordon at 862-4381 or Roger Brigdeford at 406-868-5197.

Dated: 7-29, 2016



North Valley Refuse



Silliker Revocable Family Trust

EXHIBIT

12

OCT 20



EXHIBIT

13

OCT 20

tabbles



OCT 20 2011

tabbles

EXHIBIT

14



OCT 20 2012